

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HEALTH CARE AND RETIREMENT  
CORPORATION OF AMERICA,

Potential Opposer,

v.

SANARUS MEDICAL, INC.,

Applicant.



01-15-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

OPPOSITION NO.

COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD  
2900 CRYSTAL DRIVE  
ARLINGTON, VA 22202-3514

FIFTH REQUEST FOR EXTENSION OF TIME  
TO FILE NOTICE OF OPPOSITION

RE: APPLICATION NO.: 78/123,506  
MARK: CIRCLE OF CARE  
APPLICANT: SANARUS MEDICAL, INC.  
FILED: APRIL 23, 2002  
PUBLISHED: JUNE 17, 2003

Dear Sir:

Potential Opposers request that the time for filing an opposition against Application Serial No. 78/123,506 for the mark **CIRCLE OF CARE**, filed by **SANARUS MEDICAL, INC.** be extended, up to and including **March 1, 2004**.

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

**MAILED**

**FACSIMILE**

☒ Deposited with the United States Postal Service on January 13, 2004 with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Trademarks, BOX TTAB - NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3514.

☐ transmitted by facsimile on [date] to the U.S. Patent and Trademark Office telefax number .

Type Signature Name

Kimberly L. Haney

(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

Potential Opposer and Applicant are in negotiations to resolve this matter and need additional time to attempt to resolve this matter without an opposition. This request to extend time is not being filed for the purpose of delay.

Counsel for the parties currently have counter-proposals being reviewed by each of their respective clients. Counsel for potential opposer and counsel for Sanarus believe that this matter will be resolved at the conclusion of the current exchange of proposals, therefore, request a further extension of time to complete their negotiations.

Applicant's attorney, Susan L. Crockett, suggested that counsel for potential opposer seek a further extension during a teleconference on January 12, 2004. Such extension is hereby sought up through and including March 1, 2004 to resolve this matter.

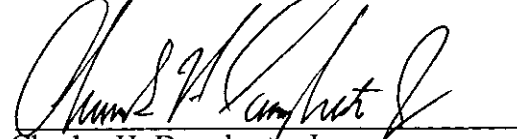
This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Date: January 13, 2004

Respectfully submitted,

HEALTH CARE AND RETIREMENT  
CORPORATION OF AMERICA

By:



Charles H. Dougherty, Jr.  
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January 13, 2004



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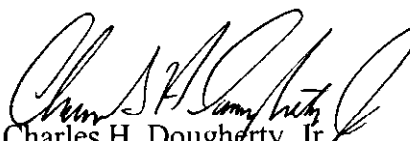
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MARK: CIRCLE OF CARE  
APPLICANT: SANARUS MEDICAL, INC.  
FILED: April 23, 2002  
PUBLISHED: June 17, 2003

Dear Commissioner:

Enclosed please find a further Request for Extension of Time to file a Notice of Opposition in the above-referenced application. This request is being filed in triplicate.

Very truly yours,

REED SMITH LLP

By:   
Charles H. Dougherty, Jr.

CHD:klh

Enclosures

cc: Susan L. Crockett, Esq. (w/encl.)  
David K. Nees, Esq. (w/encl.)  
Gene A. Tabachnick, Esq. (w/o encl.)

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